

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

ANTONIO WHEELER, *et al.*,

Plaintiffs,

V.

ASTRAL HOTELS LAS VEGAS, INC., *et al.*,

Defendants.

Case No. 2:24-cv-00564-JAD-NJK

ORDER ADOPTING REPORT & RECOMMENDATION AND DISMISSING CASE

ECF Nos. 2, 5, 7

On September 23, 2024, the magistrate judge entered this report and recommendation:

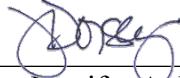
15 On August 22, 2024, the Court ordered Plaintiff Antonio Wheeler to show cause in writing
16 why the underlying case should not be dismissed for lack of subject matter jurisdiction.
17 Docket No. 18. Plaintiff failed to do so. The Court expressly warned “**FAILURE TO**
18 **COMPLY WITH THIS ORDER MAY RESULT IN DISMISSAL OF THIS CASE.**” *Id.*
19 (emphasis added). To date, Plaintiff has failed to comply with that order.

20 Plaintiff has disobeyed the Federal Rules of Civil Procedure and the Court's orders
21 requiring that the Court has a duty to ensure it has subject matter jurisdiction over the dispute
22 before it. Plaintiff's failure to establish subject matter jurisdiction and his disobedience of the
23 Court's orders are abusive litigation practices that have interfered with the Court's ability to
24 hear this case, delayed litigation, disrupted the Court's timely management of its docket, wasted
25 judicial resources, and threatened the integrity of the Court's orders and the orderly
26 administration of justice. Sanctions less drastic than dismissal are unavailable because
27 Plaintiff has refused to comply with the orders of this Court notwithstanding the warning that
28 case-dispositive sanctions may be imposed.

1 Accordingly, in light of the circumstances outline above, the undersigned
2 **RECOMMENDS** that this case be **DISMISSED** without prejudice.

3 **ORDER ADOPTING REPORT & RECOMMENDATION**

4 The deadline for any party to object to this recommendation was October 7, 2024, and no
5 party filed anything or asked to extend the deadline to do so. “[N]o review is required of a
6 magistrate judge’s report and recommendation unless objections are filed.” *United States v.*
7 *Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). Having reviewed the report and
8 recommendation, I find good cause to adopt it, and I do. IT IS THEREFORE ORDERED that
9 the Magistrate Judge’s Report and Recommendation [ECF No. 7] is **ADOPTED** in its entirety,
10 **THIS CASE IS DISMISSED**, and all pending motions and applications [ECF Nos. 2, 5] are
11 **DENIED** as moot. The Clerk of Court is directed to **ENTER JUDGMENT** accordingly and
12 **CLOSE THIS CASE**.



13 U.S. District Judge Jennifer A. Dorsey

14 Dated: October 8, 2024

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